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Establishment of the International Criminal Court

Letter dated 16 May 2002 from the Permanent Representative of Spain to the United Nations addressed to the Secretary-General

I have the honour to bring to your attention a statement issued on 14 May 2002 by the European Union concerning the position of the United States towards the International Criminal Court (see annex).

I should be grateful if you would have the text of this letter and its annex circulated as a General Assembly document, under agenda item 164.

(*Signed*) Inocencio F. **Arias**
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to the United Nations

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Annex to the letter dated 16 May 2002 from the Permanent Representative of Spain to the United Nations addressed to the Secretary-General

[Original: English, French and Spanish]

Statement on the position of the United States towards the International Criminal Court issued on 14 May 2002 by the European Union

1. The European Union takes note with disappointment and regret of the decision by the United States on 6 May 2002 formally to announce that it does not intend to ratify the Rome Statute of the International Criminal Court (ICC) and that it considers itself released from any legal obligation arising from its signature of the Statute on 31 December 2000.

2. While respecting the sovereign rights of the United States, the European Union notes that this unilateral action may have undesirable consequences on multilateral treaty-making and generally on the rule of law in international relations.

3. The European Union restates its belief that the anxieties expressed by the United States with regard to the future activities of ICC are unfounded and that the Rome Statute provides all necessary safeguards against the misuse of the Court for politically motivated purposes. It is confident that this will become self-evident when the Court begins its work. The European Union is disappointed that the United States has felt obliged to act as it has without the benefit of actual experience of the Court's activities. It believes that such experience will show that the United States can associate itself fully with the Court.

4. The European Union is also concerned at the potentially negative effect that this particular action by the United States may have on the development and reinforcement of recent trends towards individual accountability for the most serious crimes of concern to the international community and to which the United States shows itself strongly committed.

5. For its part, the European Union reaffirms its determination to encourage the widest possible international support for ICC through ratification or accession to the Rome Statute and its commitment to supporting the early establishment of ICC as a valuable instrument of the world community to combat impunity for the most serious international crimes.

6. The European Union expresses the hope that the United States will continue to work together with friends and partners in developing effective and impartial international criminal justice and will not close the door to any kind of cooperation with ICC, which is going to be a reality in the near future. The European Union stands ready for such a dialogue.

The Central and Eastern European countries associated with the European Union, the associated countries Cyprus and Malta, and the EFTA country Norway, member of the European Economic Area, align themselves with this statement.